

House File 2137 - Introduced

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BY SALMON

A BILL FOR

1 An Act relating to student data collection by the department
2 of education, school districts, and accredited nonpublic
3 schools.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **256.25 Student data collection —**
2 **policies and plans.**

3 1. The department shall establish data collection, data
4 privacy, and data sharing policies for data relating to
5 students collected by the department, school districts, and
6 accredited nonpublic schools.

7 2. The department shall annually conduct an inventory of and
8 categorize the data collected on students and the purposes for
9 which the data is collected, and shall report to the general
10 assembly by November 1, 2018, and by November 1 each succeeding
11 year, the department's findings and recommendations.

12 3. The department shall create a detailed student data
13 security plan that includes privacy compliance standards, a
14 data breach plan, data retention or destruction plans, and
15 guidelines for authorizing student and parental access to
16 student data.

17 4. The department, school districts, and accredited
18 nonpublic schools shall not include any of the following in
19 student data files unless otherwise provided in this section:

20 a. Information reflecting the use of biometric or
21 psychometric data, including but not limited to information
22 gathered from a computer adaptive assessment.

23 b. Any of the following information as it relates to the
24 student or the student's family:

25 (1) Voting status.

26 (2) Income, unless such information is required for school
27 meal programs administered in accordance with chapter 283A.

28 (3) Personality traits such as work techniques, attitude,
29 and effort.

30 (4) Political affiliations.

31 (5) Religious affiliations, except an accredited nonpublic
32 school may include such information in a student's data files.

33 (6) Telephone numbers other than contact telephone numbers.

34 (7) Electronic mail addresses other than contact electronic
35 mail addresses.

1 (8) Criminal or juvenile justice records.

2 c. Notwithstanding paragraph "b", information described in
3 paragraph "b", subparagraphs (3), (5), (6), (7), and (8) may be
4 kept in student data files by a school district or accredited
5 nonpublic school, but shall not be shared with the department
6 or any other governmental agency in this state.

7 5. a. Student data shall be kept confidential by the
8 department, a school district, or an accredited nonpublic
9 school unless otherwise ordered by a court, by the lawful
10 custodian of the data, or by another person duly authorized to
11 release such data.

12 b. Except as provided in paragraph "a", student data shall
13 not be provided outside of the state unless necessary to
14 facilitate the timely enrollment and placement of a student who
15 is transferring to a school outside the state.

16 6. Except as prohibited in subsection 7, the department
17 shall establish and maintain a policy relating to the sharing,
18 security, and confidentiality of student data in compliance
19 with the federal Family Educational Rights and Privacy Act, 20
20 U.S.C. §1232g.

21 7. The state board and the department shall not enter
22 into an agreement with any entity that has an agreement with
23 any federal governmental agency or with a third party that
24 has an agreement with any federal governmental agency, to
25 share personally identifiable student data, or that is working
26 with any federal governmental agency to develop a strategy to
27 make available, on an ongoing basis for research, personally
28 identifiable student data that results from services provided
29 by the entity to the state.

30 8. The department shall notify the governor and the general
31 assembly annually of changes in measures to collect student
32 data or to maintain student data collections by the department
33 which are required for any reason, including changes in federal
34 reporting requirements. The department shall not implement
35 such change unless specifically authorized by a constitutional

1 majority of each house of the general assembly and approved by
2 the governor or unless otherwise specifically authorized by
3 statute.

4 9. Except as provided in subsection 5, the department shall
5 not publish or share with any governmental agency outside of
6 the state student data except in aggregate form.

7 10. This section shall not be construed to do any of the
8 following:

9 a. Supersede any provision of section 22.7, section 256.9,
10 subsection 44, or chapter 256H.

11 b. Undermine or eliminate the right of a student's parent
12 or guardian to review, correct, amend, add to, or delete the
13 student's information on the department's database, or the
14 student's future right as an adult to review, correct, amend,
15 add to, or delete the student's information on the department's
16 database.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to student data collection by the
21 department of education, school districts, and accredited
22 nonpublic schools. The bill requires the department to create
23 student data-related policies and plans, and prohibits the
24 department from making changes in the measures used to collect
25 or maintain student data unless specifically authorized by the
26 general assembly and approved by the governor or by statute.

27 The bill requires the department to annually conduct an
28 inventory of and categorize the data collected on students
29 and the purposes for which the data is collected, and report
30 its findings and recommendations to the general assembly by
31 November 1, 2018, and by November 1 each succeeding year.

32 The bill prohibits, except as otherwise provided, the
33 department, school districts, and accredited nonpublic schools
34 from including in student data files certain information
35 regarding biometric and psychometric data; certain information

1 concerning the student's or the student's family; and further
2 prohibits the department from publishing or sharing with any
3 governmental agency outside of the state student data except
4 in aggregate form.

5 Student data must be kept confidential unless otherwise
6 ordered by a court, by the lawful custodian of the records, or
7 by another person duly authorized to release such information.
8 Student data may be provided outside of the state if necessary
9 to facilitate the timely enrollment and placement of a student
10 who is transferring to an out-of-state school.

11 The department must establish and maintain a policy relating
12 to the sharing, security, and confidentiality of student data
13 in compliance with the federal Family Educational Rights
14 and Privacy Act, 20 U.S.C. §1232g. The state board and the
15 department are prohibited from entering into an agreement with
16 any entity that has an agreement with any federal governmental
17 agency or with a third party that has an agreement with any
18 federal governmental agency, to share personally identifiable
19 student data, or that is working with any federal governmental
20 agency to develop a strategy to make available, on an ongoing
21 basis for research, personally identifiable student data that
22 results from services provided by the entity to the state.

23 The department shall notify the governor and the general
24 assembly annually of changes to existing student data
25 collections maintained by the department. Unless specifically
26 authorized by the general assembly and approved by the governor
27 or by statute, changes that are not necessitated by changes
28 in state and federal reporting requirements shall not be
29 implemented.

30 The new provisions relating to student data shall not be
31 construed to undermine or eliminate the right of a student's
32 parent or guardian, or the student's future right as an adult,
33 to review, correct, amend, add to, or delete the student's
34 information on the department's database; or construed to
35 supersede any existing open records law provisions, provisions

1 relating to the department's comprehensive management
2 information system which are in compliance with state and
3 federal reporting requirements, or provisions enacting the
4 interstate compact on educational opportunity for military
5 children.